

REMARKS

Claims 1-37 are pending in the application. Claims 1-37 were subject to a restriction requirement. Applicant confirms the election of Group I, claims 1-21 and 35-37, for prosecution at this time. Accordingly, claims 22-34 are canceled without prejudice or disclaimer, and applicant reserves the right to pursue the subject matter of these claims in one or more divisional applications with the same rights of priority as the present application.

Claims 1-21 and 36 are allowed. Claims 35 and 37 were rejected for having inadequate enablement of the Markush groups recited therein. Applicant respectfully traverses these rejections for the reasons set forth below.

In the rejection of claim 35, the Examiner states that the Markush group of claim 35 is not fully enabled because formaldehyde "cannot possibly have the same removal capability nor danger to humans" as the other contaminants recited in the claim (Action, page 3). Applicant respectfully points out, however, that, as taught at page 4 of the specification, formaldehyde is indeed a hazardous organic material. While some of the contaminants recited in claim 35 may be more hazardous than others, the process recited in claim 35 will be effective for cleaning formaldehyde. At pages 61-63 of the instant specification, applicant has set forth an example of the cleaning, detecting and toxicity-mitigating of a formaldehyde spill. Accordingly, the inclusion of formaldehyde in the Markush group of claim 35 is fully enabled by the specification.

Applicant similarly traverses the rejection of claim 37 for the recitation of "soil." The Examiner asserts that the cleaning of soil encompasses "innumerable undefined soils which obviously would require subsequent undue experimentation by others to determine porosity, etc. thereof" (Action, page 3). First,

applicant would like to respectfully point out that one need not determine the porosity of the contaminated soil in order to practice the cleaning process of the present invention. In Example 10, at pages 56-58 of the specification, which specifically illustrates the cleaning of soil, the contaminated soil was simply oversprayed with the liquid-state composition, which was then allowed to solidify into a solid-state matrix and removed.

As taught at page 10, lines 23-25, of the specification, soil is an example of a typical surface that can be cleaned in accordance with the present invention. Because the cleaning of soil is expressly taught, and even exemplified, in the specification, applicant maintains that no undue level of experimentation would be required to practice the invention, and that the Markush group of claim 37 is fully enabled.

While applicant asserts that claims 35 and 37 are fully enabled by the specification, in order to expedite prosecution of the application, applicant has amended claims 35 and 37 along the lines suggested by the Examiner. Accordingly, it is believed that the rejections of claims 35 and 37 have been overcome, and applicant respectfully requests reconsideration and withdrawal of these rejections.

In view of the foregoing amendments and remarks, applicant believes that the application is in condition for allowance, and an early indication of the same is respectfully requested. If Examiner Springer should have any questions regarding this application, he is invited to contact the undersigned attorney at the number set forth below.

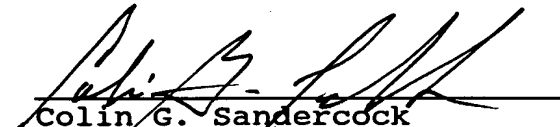
It is believed that no additional fees are required; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741.

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It is further believed that no petition for an extension of time under 37 C.F.R. § 1.136 is required. However, should such a petition be required, applicant hereby petitions the Commissioner for an extension of time, and authorizes the Commissioner to charge the necessary petition fee to Deposit Account No. 19-0741.

Respectfully submitted,

Sept 14, 1994  
Date

  
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